

REMARKS

Claims 1-18 are pending in the present application. Claims 1-11 were presented for examination as being directed to the elected embodiment. Claims 12-18 have been withdrawn but remain pending for rejoinder upon allowance of elected claim 1. Claim 1 is independent.

Claim 1 has been amended to correct an obvious error, namely to change "the sample" to "a sample". Applicants submit that this amendment merely makes explicit that which had been implicit.

Independent claim 1, as well as dependent claims 2 and 10-11, were rejected under 35 U.S.C. §102(a) over U.S. Patent No. 6,490,913 to Martin et al. (Martin).

Independent claim 1 has been amended to recite that "the medium flow flows at least partially against a sample carrier (emphasis added)".

Martin discloses sample chamber 1 constructed to all for attachment of a conditioned air input tube 9 from a humidity generator. The chamber 1 also includes a sample porthole 15 that is shaped to receive a sample platform 16 that contains a sample stage 20 extending up from a base-plate 17. The base-plate 17 of the sample platform 16 is of an appropriate size so as to be able to "sit" on the stage of the atomic force microscope (AMF). The sample porthole 15 includes cut outs 18 that receive a locking clip 19, which locks the sample platform 17 in the sample porthole 15. Applicants submit that in this locked position and as best seen from Figure 7, the humid air from the input tube 9 does not flow against the sample platform 17. Rather, the sample platform 17 is positioned well below the input tube 9.

Accordingly, Applicants submit that Martin does not disclose or suggest flowing the humidified air at least partially against a sample carrier as in amended claim 1.

Thus, reconsideration and withdrawal of the rejection to claims 1-2 and 10-11 over Martin are respectfully requested.

Independent claim 1, as well as dependent claims 2, 7-8, and 10-11, were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,393,032 to Crisler et al. (Crisler).

Again, independent claim 1 has been amended to recite that “the medium flow flows at least partially against a sample carrier (emphasis added)”.

Crisler is directed to a controlled atmosphere microscope dry box unit 10 that includes pipe couplings 75 and circulation ports 80 so that circulation of an inert gas through the unit by a commercial gas purification system can be achieved. See col. 3, lines 30-35. Further, Crisler discloses that unit 10 includes a commercial microscope 90. However, Applicants submit that Crisler fails to disclose the position of the sample or sample carrier in the microscope 90 with respect to the pipe couplings 75 and circulation ports 80 of unit 10. Thus, Crisler fails to provide an enabling disclosure with respect to asserting that its inert gas flows at least partially against a sample carrier as in amended claim 1.

Rather, and looking to Figure 3, Crisler discloses that the microscope 90 includes is well above the location of the pipe couplings 75 and circulation ports 80 such that any inert gas from these couplings and ports simply can not flow at least partially against a sample carrier as claimed.

Accordingly, Applicants submit that Crisler does not disclose or suggest flowing the inert gas at least partially against a sample carrier as in amended claim 1. Thus, reconsideration and withdrawal of the rejection to claims 1-2, 7-8, and 10-11 over Crisler are respectfully requested.

Independent claim 1, as well as dependent claims 2-3 and 8-11, were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,843,893 to Huber et al. (Huber).

Claim 1 recites “an analysis device arranged at least partially in the climate compartment for analyzing a sample (emphasis added)”.

Applicants submit that Huber fails to disclose or suggest the claimed analysis device.

Rather, Huber is directed to a weather testing system that includes a light sensing rod 77 that is provided to monitor the intensity of light emitted by lamp 22. However, Huber fails to disclose or suggest that light sensing rod 77 analyzes the test sample 14.

Accordingly, Applicants submit that Huber does not disclose or suggest claim 1. Thus, reconsideration and withdrawal of the rejection to claims 1-3 and 8-11 over Huber are respectfully requested.

Independent claim 1, as well as dependent claims 2-6 and 8, were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,817,447 to Kashima et al. (Kashima).

Applicants submit that the Office Action has failed to make a prima facie case of anticipation of claim 1 over Kashima.

Again, claim 1 recites “an analysis device arranged at least partially in the climate compartment for analyzing a sample”.

The Office Action states that “Kashima et al. does not teach an analysis device in the chamber”. See page 5, lines 13-14 of the Office Action dated October 17, 2008.

Thus, the Office Action itself acknowledges that Kashima fails to disclose the claimed analysis device.

Accordingly, Applicants submit that Kashima does not disclose or suggest claim 1. Thus, reconsideration and withdrawal of the rejection to claims 1-6 and 8 over Kashima are respectfully requested.

In view of the above, it is respectfully submitted that claims 1-11 of the present application are in condition for allowance. Further, Applicants request rejoinder and allowance of withdrawn claims 12-18 that depend from claim 1. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



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